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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): Boris Hosseinzadeh-Dolkhani, Wolfgang Schiller, and
Marc Rummel

APPLN. NO: 09/712,086 CONFIRMATION NO: 8776
FILED: 14 November 2000 EXAMINER: G. E. Richman
ART UNIT: 3764

TITLE: METHOD AND PORTABLE TRAINING DEVICE FOR
OPTIMIZING A TRAINING

RESPONSE TO RESTRICTION REQUIREMENT
MAILED 22 OCTOBER 2002

RECEIVED

Assistant Commissioner for Patents
Washington, D.C. 20231

DEC - 3 2002

TECHNOLOGY CENTER R3700

Dear Sir:

PROVISIONAL ELECTION WITH TRAVERSE

Provisional Election

Applicants hereby provisionally elect with traverse claims 7-29 of
Group II drawn to a training device for further prosecution in this application.

Traverse

The restriction is made between claims 1-6, that are drawn to a
method of optimizing a training and claims 7-29 that are drawn to a training
device. The rationale for the restriction is that the claimed apparatus can
be used to practice a materially different process.

The requirement for restriction was made after claims to both the
method of optimizing a training (group I) and the training device (group II)
were already searched and examined. Amendments were made in response
to the Office Action of 24 April 2002. However, the amendments were not
cited as a basis for the restriction. The amendments included similar types
of corrections applied to both the method and apparatus claims to better
conform with conventional US practices. New apparatus claims 23-29 were
added, but the requirement for restriction did not characterize these claims
as being distinct from any of the other apparatus claims within the second